



General Assembly

## ***Substitute Bill No. 318***

*January Session, 2013*



### ***AN ACT CONCERNING USED AUTOMOBILE WARRANTIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 42-221 of the general statutes is repealed and the  
2       following is substituted in lieu thereof (*Effective January 1, 2014*):

3       (a) A dealer selling a used motor vehicle which has a cash purchase  
4       price of [three] five thousand dollars or more shall not exclude,  
5       modify, disclaim or limit implied warranties on the motor vehicle.

6       (b) Each contract entered into by a dealer for the sale to a consumer  
7       of a used motor vehicle which has a cash purchase price of [three] five  
8       thousand dollars or more but less than [five] six thousand five  
9       hundred dollars, shall include an express warranty, covering the full  
10      cost of both parts and labor, that the vehicle is mechanically  
11      operational and sound and will remain so for at least thirty days or  
12      one thousand five hundred miles of operation, whichever period ends  
13      first, in the absence of damage resulting from an automobile accident  
14      or from misuse of the vehicle by the consumer. Each contract entered  
15      into by a dealer for the sale of a used motor vehicle which has a cash  
16      purchase price of [five] six thousand five hundred dollars or more  
17      shall include an express warranty, covering the full cost of both parts  
18      and labor, that the vehicle is mechanically operational and sound and  
19      will remain so for at least sixty days or three thousand miles of  
20      operation, whichever period ends first, in the absence of damage

21 resulting from an automobile accident or from misuse of the vehicle by  
 22 the consumer. A dealer may not limit a warranty covered by this  
 23 section by the use of such phrases as "fifty-fifty", "labor only", "drive  
 24 train only", or other words attempting to disclaim his responsibility.

25 (c) The provisions of this section shall not apply to: (1) The sale of a  
 26 used motor vehicle having a cash purchase price of less than [three]  
 27 five thousand dollars; (2) the sale of such motor vehicles between  
 28 dealers; or (3) the sale of a used motor vehicle which is [seven] eight  
 29 years of age or older, which age shall be calculated from the first day  
 30 in January of the designated model year of such vehicle.

31 (d) The consumer may waive a warranty required pursuant to this  
 32 section only as to a particular defect in the vehicle which the dealer has  
 33 disclosed to the consumer as being defective. No such waiver shall be  
 34 effective unless such waiver: (1) Is in writing; (2) is conspicuous, as  
 35 defined in subdivision (10) of subsection (b) of section 42a-1-201, and is  
 36 in plain language; (3) identifies the particular disclosed defect in the  
 37 vehicle for which such warranty is to be waived; (4) states what  
 38 warranty, if any, shall apply to such disclosed defect; and (5) is signed  
 39 by both the customer and the dealer prior to sale.

40 Sec. 2. Subsection (a) of section 42-224 of the general statutes is  
 41 repealed and the following is substituted in lieu thereof (*Effective*  
 42 *January 1, 2014*):

43 (a) A used motor vehicle may be sold "as is" by a dealer only if its  
 44 cash purchase price is less than [three] five thousand dollars or if such  
 45 used motor vehicle is [seven] eight years of age or older, which age  
 46 shall be calculated from the first day in January of the designated  
 47 model year of such vehicle.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2014</i>	42-221
Sec. 2	<i>January 1, 2014</i>	42-224(a)

**GL**      *Joint Favorable Subst.*